



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Connell et al.
Appl. No.: 09/711,240
Filed: November 13, 2000
Title: METHOD AND APPARATUS FOR KIDNEY DIALYSIS
Art Unit: 1723
Examiner: J. Drodge
Docket No.: ALT-56040 CON II of DIV III

Commissioner for Patents
Washington, DC 20231

RECEIVED
COPY OF PAPERS
ORIGINALLY FILED
FEB 19 2002
TE 1700

#11
02-25-02
JW

RESPONSE TO OFFICE ACTION

Sir:

Please enter the following Response in the above-identified patent application.

REMARKS

In the Office Action, Claims 30-41 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,370,983 ("*Lichtenstein*") in view of U.S. Patent No., 4,898,578 ("*Rubalcaba*") and/or U.S. Patent No. 4,756,706 ("*Kerns*"). The Patent Office primarily relies on *Lichtenstein* and therefore relies on the other cited references, alone or in combination, to remedy the deficiencies of *Lichtenstein*.

Applicants respectfully submit that the obviousness rejection of the pending claims is improper. Of the pending claims, Claims 30-34, 37, 40 and 41 are the sole independent claims. Each of the independent claims relates to a hemodialysis apparatus. The hemodialysis apparatus of the claimed invention includes, in part, a touch screen adapted to display an indicium which corresponds to a parameter pertinent to the operation of the hemodialysis apparatus and to permit a user, by touching the indicium, to cause a change in the parameter.

Applicants respectfully submit that the Patent Office had failed to establish a *prima facie* case of obviousness with respect to the pending claims of the present application. Of course, "the Examiner must show some reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 47 U.S.P.Q. 2d 1453, 1457-1458 (Fed. Cir. 1998). Indeed, this requirement for some